

**ZONING BOARD OF APPEALS
MAY 3, 2010**

MEMBERS PRESENT: John Lowe, Dan Lowe, Larry Fillinger, Dan Rossbach, and Linda Manson-Dempsey

MEMBERS ABSENT: None

CALL TO ORDER

John Lowe called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Linda Manson-Dempsey seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

December 7, 2009 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Fillinger seconded. **Motion carried 5-0.**

NEW BUSINESS

ZBA Case #01-10—Ronald & Robin Rozdoske, 2824 Sanitorium Rd., Tax ID #4710-03-300-022

Mr. and Mrs. Rozdoske were present to request a variance to build an accessory structure.

Call to the Public

None.

Motion

Linda Manson-Dempsey motioned for ZBA Case #01-10, Ronald & Robin Rozdoske, 2824 Sanitorium Rd., Tax ID #4710-03-300-022, to grant a variance to Section 6.07 #3—Accessory Uses & Structures, items #1, #3 and #10, considering the following criteria:

1. How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. *This is a corner lot with two front yards, The house is in the back corner, the septic field is in the front, and there is no other location for an accessory structure*
2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district. *The conditions and circumstances are unique because of where the house is located on the lot.*
3. The conditions and circumstances unique to the property were not self created. *The circumstances were not self-created.*
4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district. *Other properties similarly situated would be allowed to put an accessory structure on the property. Due to the location of the house and the septic field, the accessory cannot be located anywhere else. .*
5. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance. *Accessory structures are allowed, and granting this variance allows the Rodozskis to use their property as others do.*

6. The difficulty shall not be deemed solely economic. *The difficulty is not economic.* The accessory building will be located 63 feet off the center line of Sanitorium Road, referencing survey #93-32750 by Kem-Tech; the siding on the accessory structure will match the existing house as closely as possible, and the accessory building will be screened with as many trees as possible. Larry Fillinger seconded. Roll call vote: Fillinger, Manson-Dempsey, Rossbach, J. Lowe, D. Lowe—all yes. **Motion carried 5-0.**

CALL TO THE PUBLIC

Annette McNamara said she spoke with Dan Strong, who has filed an affidavit of ownership by adverse possession of the property on Hurley Drive. The Herren case is in arbitration and hasn't been completed yet. The Marquardt property now meets the ordinance requirements.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn the meeting at 8:10 p.m. Larry Fillinger seconded. **Motion carried 5-0.**

ZONING BOARD OF APPEALS - JULY 12, 2010

MEMBERS PRESENT: Dan Lowe, Dan Rossbach, and Linda Manson-Dempsey

MEMBERS ABSENT: John Lowe and Larry Fillinger

CALL TO ORDER

Linda Manson-Dempsey called the meeting to order at 7:52 p.m.

APPROVAL OF AGENDA

Dan Rossbach motioned to approve the agenda as presented. Dan Lowe seconded. **Motion carried 3-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

None.

OLD BUSINESS

ZBA Case #02-09—Daniel C. Strong, 771 Hurley Dr., Tax ID #4710-35-301-029

Annette McNamara updated the ZBA members on this item. The applicant has provided an affidavit of ownership, and the neighbor has done the same. He has also dropped the variance request for the accessory structure, and is only asking for a 9' variance on the east property line for a hot tub. Dan Rossbach motioned for ZBA Case #02-09, Daniel C. Strong, 771 Hurley Dr., Tax ID #4710-35-301-029, to grant a 9' side yard setback variance to Section 8.04 E 3 a #2 on the east property line for a hot tub; applicant has dropped the request for a variance on the rear yard setback, Section 8.04 E 3 a #1, considering the following criteria:

1. How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. *The structure does not cause any obstruction.*
2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district. *The conditions and circumstances are unique because of the topography, the size of the lake lot, and this location is most suitable for the structure.*
3. The conditions and circumstances unique to the property were not self created. *The circumstances were not self-created; it's a topography issue.*

4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district. *Variances have been granted to similar situations.*
5. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance. *Granting this variance does not create a hardship for any other property owners.*
6. The difficulty shall not be deemed solely economic. *There is no financial gain.*

Dan Lowe seconded. **Motion carried 3-0.**

NEW BUSINESS

ZBA Case #02-10—John & Judith LaFleur, 5901 Mason Rd., Tax ID #4710-06-100-024

Mr. and Mrs. LaFleur were present to request a variance to build an addition, along with their contractor, Mike Leech. After lengthy discussion on the various options, Dan Rossbach motioned to table ZBA Case #02-10 until July 26, to get additional measurements and a floor plan of the existing house. Dan Lowe seconded. **Motion carried 3-0.**

Annette McNamara will post a notice for the July 26 ZBA meeting at 7:30 p.m.

APPROVAL OF MINUTES

May 3, 2010 Regular Meeting: Dan Rossbach motioned to approve the minutes as presented. Dan Lowe seconded. **Motion carried 3-0.**

CALL TO THE PUBLIC

None.

ADJOURNMENT

Dan Lowe motioned to adjourn the meeting at 9:25 p.m. Dan Rossbach seconded. **Motion carried 3-0.**

ZONING BOARD OF APPEALS - JULY 26, 2010

MEMBERS PRESENT: Dan Lowe, Dan Rossbach, Larry Fillinger and Linda Manson-Dempsey

MEMBERS ABSENT: John Lowe

CALL TO ORDER

Linda Manson-Dempsey called the meeting to order at 7:35 p.m.

APPROVAL OF AGENDA

Larry Fillinger motioned to approve the agenda as presented. Dan Rossbach seconded. **Motion carried 4-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

July 12, 2010 Regular Meeting: Dan Rossbach motioned to approve the minutes as presented. Dan Lowe seconded. **Motion carried 4-0.**

OLD BUSINESS

ZBA Case #02-10—John & Judith LaFleur, 5901 Mason Rd., Tax ID #4710-06-100-024

Mike Leech, the builder for the applicants, said the request has been reduced from 25 feet to 9 feet, after more accurate measurements were taken.

Dan Rossbach motioned for ZBA Case #02-10—John & Judith LaFleur, Tax ID #4710-06-100-024 to relax Section 8.02 F 3 a 1—Front Yard Setback, and grant a 9 foot variance to allow a 22 foot addition on the front of the home, not to exceed 61 feet from the edge of the road right-of-way, referencing the drawing provided from Mike Leech, Michigan Remodeling Group.

1. How the strict enforcement of the provisions of the township zoning ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. *The ZBA has granted right-of-way variances in the past, and this is the most feasible and practical location for the addition.*
2. The conditions and circumstances unique to the property, which are not similarly applicable to other properties in the same zoning district. *The conditions and circumstances are unique because of the location of the driveway and parking area, and location of the utilities.*
3. The conditions and circumstances unique to the property were not self created. *The circumstances were not self-created.*
4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district. *Variances have been granted front yard setbacks.*
5. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance. *Denying this variance would be contrary to the spirit and intent of the zoning ordinance. A 9 foot variance also allows for future expansion of Mason Road.*
6. The difficulty shall not be deemed solely economic. *This request is not economically driven.*

Dan Lowe seconded. Roll call vote: Lowe—yes; Rossbach—yes; Manson-Dempsey—no; Fillinger—yes. **Motion carried 3-1.**

Linda Manson-Dempsey told the applicants they could pick up their land use permit in 8 business days.

CALL TO THE PUBLIC

None.

ADJOURNMENT

Dan Rossbach motioned to adjourn the meeting at 8:07 p.m. Larry Fillinger seconded. **Motion carried 4-0.**